

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CHRISTOPHER D. BROWN,

Petitioner,

Case No. 3:23-cv-305

vs.

WARDEN, London Correctional
Institution,

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

Respondent.

ORDER: (1) OVERRULING PETITIONER’S OBJECTIONS (Doc. No. 15) TO THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION; (2) ADOPTING THE REPORT AND RECOMMENDATION (Doc. No. 12); (3) DISMISSING WITH PREJUDICE THE PETITION FOR WRIT OF HABEAS CORPUS (Doc. No. 3); (3) DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; (4) CERTIFYING THAT AN APPEAL OF THIS ORDER WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT PETITIONER SHOULD BE DENIED *IN FORMA PAUPERIS* STATUS ON APPEAL; (5) AND TERMINATING THIS CASE ON THE DOCKET

Petitioner Christopher D. Brown brings this case *pro se* seeking a writ of habeas corpus, pursuant to 28 U.S.C. § 2254.¹ Doc. No. 3. The case is before the Court upon the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. No. 12), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Merz recommends that this Court dismiss the petition with prejudice. Doc. No. 8 at PageID 607. Petitioner timely filed objections to the Report and Recommendation. Doc. No. 15. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed Judge Merz’s comprehensive findings and considered *de novo* all filings in this matter, including Petitioner’s objections.

¹ The Court liberally construes Petitioner’s *pro se* filings in his favor. See *Estelle v. Gamble*, 429 U.S. 97, 106 (1976); see also *Mayes v. Warden, Chillicothe Corr. Inst.*, No. 3:22-cv-313, 2024 WL 3163957, at *1 (S.D. Ohio June 25, 2024).

Upon careful *de novo* review of the foregoing, the Court determines that the Judge Merz's Report and Recommendation applies the correct law, is well reasoned, and should be **ADOPTED**. Accordingly, Petitioner's Objections are **OVERRULED**, the Report and Recommendation is **ADOPTED**, and the Petition is **DISMISSED**. Petitioner is **DENIED** any requested certificate of appealability, and the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal of this Order would be objectively frivolous and, therefore, Petitioner should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

November 8, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge